

IX. OPTION: GENERAL WORKPLACE SMOKING ACCOMMODATION BASED ON  
MUTUAL COURTESY

A. General

For many years, large and small groups of smokers and nonsmokers have worked together. If disputes arose, settlements were reached through discussion and negotiation. Many successful companies adopted an informal approach to workplace smoking using a minimal level of administrative structure and supervision to address individual complaints. Complaints about exposure to tobacco smoke typically have been addressed by employers, in such situations, with one or more of the following.

1. Increased outdoor air ventilation to levels specified in local building codes, or more recently, to levels specified in ASHRAE Standard 62-1989 "Ventilation for Acceptable Indoor Air Quality;"<sup>21</sup>

2. Relocation of a workstation;

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21. ASHRAE Standard 62-1989 "Ventilation for Acceptable Indoor Air Quality" specifies "minimum ventilation rates and indoor air quality that will be acceptable to human occupants and are intended to avoid adverse health effects."

3. Grouping of smokers and nonsmokers;
4. Partitions in "open" office settings;
5. Use of fans or vents as may be appropriate.

Such measures have been effective in addressing complaints about ETS and generally require few additional costs or expenditures from the employer. These remedies are based on the concept of accommodation for both smokers and nonsmokers and the belief that cooperation among smokers and nonsmokers can be fostered in the workplace.

B. [Proposed Legislation] OPTION: General Workplace Smoking Accommodation

1. Recognizing the interests of both smokers and nonsmokers, smoking will be permitted in indoor spaces, subject to the following restrictions:
  - (1) Smokers with private offices may smoke in their offices.
  - (2) Where smokers do not have private offices, they may smoke in a separate

smoking room or lounge with adequate ventilation.

(3) Where nonsmokers are present the interests of both may be met and resolved by:

(a) seeking an accommodation on an individual basis with recourse to reasonable means to achieve such accommodation;

(b) improving overall ventilation;

(c) relocating a workstation;

(d) grouping smokers and nonsmokers;

(e) partitioning open office spaces.

(4) Specially designated smoking areas may be established in certain public areas, such as lobbies, atriums or similar spaces.

2. Designated smoking areas must have clear signs.

[Proposed Legislation]

OPTION 1: Workplace Smoking Accommodation Based on Mutual Courtesy

A. Recognizing the interests of both smokers and nonsmokers, smoking tobacco will be permitted in indoor spaces, subject to the following restrictions:

1. Smokers with private offices may smoke in their offices.
2. Where smokers do not have private offices, they may smoke in a separate smoking room or lounge with adequate ventilation.
3. Where nonsmokers are present and are bothered by the smoking of others, the problem may be resolved by:
  - a. seeking an accommodation on an individual basis with recourse to common courtesy and mutual tolerance;
  - b. improving ventilation;
  - c. relocating a workstation;
  - d. grouping smokers and nonsmokers;
  - e. using desk top air cleaners or "smokeless" ashtrays for smokers; or
  - f. partitioning open office spaces.
4. Specially designated smoking areas shall be established in all indoor public places, including means and buildings of public transport, medical and health care centers, educational institutions, restaurants, coffee shops and entertainment clubs, to provide for the separation of smokers and nonsmokers.

B. Designated smoking areas must have clear signs.

C. Whoever violates these provisions is subject to fine.

VIII. OPTION: WORKPLACE ACCOMMODATION BASED UPON GENERAL WORKPLACE  
SMOKING GUIDELINES

A. General

In response to the ongoing debate on smoking in the workplace, an employer may prefer a more formal approach to the workplace smoking issue. This may take the form of defined employer guidelines on workplace smoking, which may allow management more degrees of freedom than would a detailed smoking policy. Such guidelines can recognize and respect the rights of both smokers and nonsmokers. An illustrative guideline policy might track the following.

B. Smoking in the Workplace: General Policy Guideline  
(Sample)

"The management, in the interest of continuing to promote and maintain a productive and cooperative working environment, would like to address the issue of smoking in the workplace as a part of its effort to address the overall issue of indoor air quality.

It is recognized that some employees choose to smoke while others do not. Generally, smoking and nonsmoking employees have been able to work together without

conflict. On occasion, complaints have arisen when smoke has reportedly annoyed nonsmokers. Usually, these situations can be resolved among the people involved without outside intervention. The management therefore encourages all employees to continue to seek cooperative solutions. However, if you are unable to resolve the difference, please bring this matter to the attention of your immediate supervisor. The company will make reasonable accommodations to resolve such conflicts in a manner that is fair to both parties."

C. [Proposed Legislation]. OPTION: Workplace Accommodation Based on General Workplace Smoking Guidelines

1. Recognizing the interests of both smokers and nonsmokers, smoking will be permitted in [indoor workplaces] [public places] [government buildings] as follows:

a. Every employer shall adopt a general smoking policy guideline which shall contain, at a minimum, the following provisions:

(1) employees should be encouraged to resolve their differences about smoking without outside intervention;

(2) where differences about smoking cannot be resolved without outside intervention, the employees should bring the dispute to the attention of an immediate supervisor;

(3) the employer will make reasonable accommodations to resolve such conflicts in a manner that is fair to both parties.

b. Designated smoking areas shall be made available in all indoor spaces to which the public is invited.

2. Designated smoking areas must have clear signs.

[Proposed Legislation]

OPTION 2: Workplace Accommodation Based on Defined General Guidelines

- A. Recognizing the interests of both smokers and nonsmokers, smoking tobacco will be restricted in indoor spaces as follows:
  - 1. Every employer of a workplace to which the public is not invited shall adopt a general smoking policy guideline which shall contain, at a minimum, the following provisions:
    - a. employees should be encouraged to resolve their complaints about smoking without outside intervention;
    - b. where complaints cannot be resolved without outside intervention, the employees should bring the dispute to the attention of an immediate supervisor;
    - c. the company will make reasonable accommodations to resolve such conflicts in a manner that is fair to both parties.
  - 2. Designated smoking areas shall be made available in all indoor spaces to which the public is invited.
- B. Smoking may be banned in those indoor spaces where it constitutes a particular fire hazard, due to the nature of the business conducted therein.
- C. Designated smoking areas must have clear signs.



VII. OPTION: WORKPLACE ACCOMMODATION BASED UPON A DETAILED SMOKING POLICY

A. General

The goal in drafting a workplace smoking policy is to provide for a productive and cooperative work environment. Ideally, the rights of both smokers and nonsmokers should be considered. Decisions which affect the details of the smoking policy should be based upon actual data rather than on personal value judgments. As is the case in all indoor air quality issues, there is no single formula that will satisfy all people at all times. However, the general goal in drafting a detailed smoking policy should be to address the interests and needs of as many occupants as possible and the implementation of workable compromise procedures.

B. [Proposed Legislation]. OPTION: Workplace Accommodation Based on a Detailed Smoking Policy

1. Recognizing the interests of both smokers and nonsmokers, smoking will be permitted in indoor spaces as follows:

- a. Where smoking is permitted, employers shall adopt a detailed smoking policy which will

accommodate the interests of as many employees as possible, shall be based upon actual data rather than on personal value judgments and shall address the following:

- (1) a statement of purpose;
- (2) a procedure for implementing reasonable accommodation such as through a process adjusting workstations of smokers and nonsmokers;
- (3) a means for the designation of private offices for smoking at the occupant's option;
- (4) a procedure to implement the policy when smokers and nonsmokers are present in common work areas and conference rooms;
- (5) necessary ventilation standards;
- (6) a provision for designated smoking areas in cafeterias, dining rooms or break rooms; and

(7) complaint and indoor air assessment procedures.

b. Designated smoking areas shall be considered for all indoor public spaces.

2. Designated smoking areas must have clear signs.

[Proposed Legislation]

OPTION 3: Workplace Accommodation Based on a Detailed Smoking Policy

- A. Recognizing the interests of both smokers and nonsmokers, smoking tobacco will be restricted in indoor spaces as follows:
1. Every employer of a workplace to which the public is not invited shall adopt a detailed smoking policy which shall accommodate the interests of as many building occupants as possible, shall be based upon actual data rather than on personal value judgments, and shall contain, at a minimum, the following provisions:
    - a. a statement of purpose;
    - b. a procedure for adjusting workstations of smokers and nonsmokers;
    - c. the designation of private offices for smoking at the occupant's option;
    - d. required employee conduct when smokers and nonsmokers are present in common work areas and conference rooms;
    - e. ventilation standards;
    - f. designated smoking areas in cafeterias, dining rooms or break rooms; and
    - g. complaint and indoor air assessment procedures.
  2. Designated smoking areas shall be made available in all indoor spaces to which the public is invited.
- B. Smoking may be banned in those indoor spaces where it constitutes a particular fire hazard, due to the nature of the business conducted therein.
- C. Designated smoking areas must have clear signs.